

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

CABELA’S WHOLESALE, LLC,

CV 23–41–M–DLC

Plaintiff,

vs.

ORDER

ISAAC CHAVEZ,

Defendant.

United States Magistrate Judge Kathleen L. Desoto entered Findings and Recommendation in this matter on May 29, 2024. (Doc. 25.) For the reasons herein, the Court adopts Judge DeSoto’s Findings and Recommendation in full.

Because no parties objected, they are not entitled to de novo review. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Therefore, the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge DeSoto found that the hearing officer correctly concluded that Defendant Isaac Chavez’s discrimination claim against Plaintiff Cabela’s Wholesale, LLC was preempted by the Occupational Safety and Health

Administration's November 2021 emergency temporary standard and that the Montana Human Rights Commission ("MHRC") erred in concluding that the hearing officer did not have authority to address the preemption issue. (Doc. 25 at 16.) As such, Judge DeSoto recommended that Cabela's Motion for Summary Judgment (Doc. 16) be granted. Reviewing for clear error, the Court finds none.

Accordingly, IT IS ORDERED that the Motion (Doc. 16) is GRANTED.

IT IS FURTHER ORDERED that this case is REMANDED to the MHRC for dismissal. The Clerk of Court is directed to close this file.

DATED this 26th day of June, 2024.



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Dana L. Christensen, District Judge  
United States District Court